

NOV 18 2008

PTO/SB/21 (01-08)

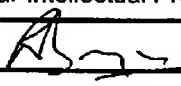
Approved for use through 02/29/2008. OMB 0851-0031

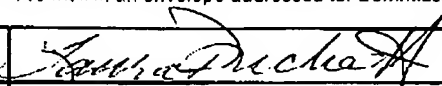
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/600,028	
	Filing Date	23 June 2003	
	First Named Inventor	FOSTER, Harold Douglas	
	Art Unit	1642	
	Examiner Name		
Total Number of Pages in This Submission	9	Attorney Docket Number	HMT01/3619/US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change or Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Barigar Intellectual Property Law		
Signature			
Printed name	Robert H. Barrigar		
Date	18 November 2008	Rec. No.	26,126

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Laura Duckett	Date	18 November 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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HMT01/3619/IS

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Office of Petitions

Serial No.: **10/600,028**

Filing Date: **23 June 2003**

Title: **PROTOCOL FOR AIDS PREVENTION AND TREATMENT BY**
NUTRITIONAL METHODS

Inventor: **DAVID DOUGLAS FOSTER**

Examiner: **Not known**

Art Unit: **1642**

To: **The Commissioner for Patents**
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

18 November 2008

Dear Sir:

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This letter is in reply to the Notice of Abandonment dated 9 October 2008.

A complete response was filed with a Power of Attorney and Correspondence Address Indication Form by the deadline. Enclosed is a copy of the originally filed reply and a certificate of mailing or transmission. As required, a copy of the notice of abandonment is enclosed.

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BEST AVAILABLE COPY

REMARKS

Applicant submits that the enclosed documents demonstrate that a complete response was timely filed with regard to the Notice To File Missing Parts.

Respectfully submitted,



By: Robert H. Barrigar, Registration No. 26,125
(250) 389-0387

AMF:ajb
Enclosure

Y:\HMT01\3619 US\USPTO\Resp to Not Abandonment 081118.wpd

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./FILE
10:600.028	06/23/2003	Harold Douglas Foster	HMT01/3619/US

CONFIRMATION NO. 1326

**ABANDONMENT/TERMINATION
LETTER**



OC000000032533891

22433

ROBERT H. BARRIGAR
BARRIGAR INTELLECTUAL PROPERTY LAW
1007 FORT STREET
SUITE 201
VICTORIA, BC V8V 3K5
CANADA

Date Mailed: 10/09/2008

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/04/2008.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via "Express Mail," a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the "Express Mail" mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPC.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.